

REMARKS

Claims 1, 3, 4, 6, 7, 9-20, 22-31, 38-45 are pending. Claims 8, 21 and 46 have been cancelled without prejudice or disclaimer.

Interview Summary

Applicants thank the Examiner for the courtesies extended to the undersigned during the telephone interview of December 4, 2006. During the Interview, the Examiner confirmed claims 21-23 do not stand rejected as being unpatentable over Heymes et al. (U.S. Patent No. 6,077,363) in view of JP 07-252574 and claim 30 does stand rejected as being unpatentable over Rioja et al. (U.S. Patent No. 6,562,154).

Claim Amendments

Claims 1 and 42 have been amended to recite a Cu range of 4.1-4.4% and a particular microstructure, as previously recited by (now-cancelled) claims 21 and 46. The remaining claims have been amended to be consistent with the amendment of claim 1.

The Cu ranges recite by amended claims 9 and 40 are supported in the originally filed application at Paragraph [0066].

Claim Objection

Claim 41 has been amended, in accordance with the Examiner's suggestion to correct a typographical error and overcome the objection thereto. No new matter has been added. Applicant thanks the Examiner for noting the typographical error.

Art Rejections

Claims 1, 7-9, 11, 13-15, 17-19, 24-29, 40, 42, 45 and 46 stand rejected under 35 USC § 102(b) as being anticipated by or in the alternative under 35 USC § 103(a) as being unpatentable over Rioja et al.

Claims 1, 3, 4, 7-9, 11-20, 24-30, 38-42 and 45 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Heymes et al. in view of JP '574.

Claims 3, 4, 7-10, 12, 16, 20, 30, 31, 39, 41, 43 and 44 stand rejected under 35 USC § 103(a) as being unpatentable over Rioja et al.

Claims 1, 7-15, 17-20, 24-31 and 38-45 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Karabin et al. (U.S. Patent No. 5,865,914).

Reconsideration of each of these rejections is respectfully requested in light of the amendments to the claims. Specifically, claims 1 and 42 (from which the remaining rejected claims depend) have been amended to recite the features of now-cancelled claims 21 and 46. As the Office Action did not assert Rioja et al., Karabin, Heymes et al. or JP '574, either anticipated or rendered obvious the subject matter of claim 21, Applicants respectfully submit amended claims 1 and 42 (and the claims depending therefrom) are allowable over these references.

Provisional rejections for obvious-type double patenting

Claims 1, 3, 4, 7-8, 11-31 and 38-46 stand provisionally rejected under the judicially created doctrine of obvious-type double patenting as allegedly failing to be patentably distinct from claims 1-36 of U.S. Appl. No. 10/639,776. Applicant concurrently submits a Terminal Disclaimer in response to this rejection.

Claims 1, 3, 4, 7-30, 38, 40, 42, 43, 45 and 46 stand provisionally rejected under the judicially created doctrine of obvious-type double patenting as allegedly failing to be patentably distinct from claims 1-23 of U.S. Appl. No. 10/645,518. Applicant concurrently submits a Terminal Disclaimer in response to this rejection.

Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested. Please charge any underpayment or credit any overpayment associated with this Amendment to Deposit Account No. 19-4375.

Respectfully submitted,

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